IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 2ND FEBRUARY 2007 / 13TH MAGHA 1928

WP(C).No. 30400 of 2006(R)

PETITIONER:

ANITHA, W/O. PUSHKARAN,
PULIKKATHARA HOUSE, KOZHUKKULLY VILLAGE,
KOZHUKKULLY P.O., TRICHUR TALUK.

BY ADV. SRI.P.V.LONACHAN
SRI.R.MURALIDHARAN PILLAI
SRI.P.G.PRESANNAKUMAR

RESPONDENTS:

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1. THE NADATHARA FARMERS,
CO-OPERATIVE SOCIETY LTD. NO.3499,
NADATHARA P.O., REPRESENTED BY ITS SECRETARY.

2. THE ASST. REGISTRAR (GENERAL),
OFFICE OF THE ASST. REGISTRAR OF CO-OPERATIVE
SOCIETIES, THRISSUR.

3. SPECIAL SALE OFFICER,
OFFICE OF THE ASST. REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL), THRISSUR.

4. SMT. GIRIJA, W/O. SASIDHARAN,
PULIKKATHARA HOUSE, KOZHUKKULLY VILLAGE,
KOZHUKKULLY P.O., TRICHUR TALUK.

5. THE REGISTRAR OF CO-OPERATION,
STATE OF KERALA, THIRUVANANTHAPURAM.

BY ADV. SRI.C.E.UNNIKRISHNAN FOR R1
SR. GOVERNMENT PLEADER SRI. P.K.RAVIKRISHNAN FOR R2 & R5
SRI.JOHN K.NINAN
SRI.RAJESH NAIR FOR R4

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P. (C) NO.30400/2006

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT.P1: PHOTOCOPY OF THE DOCUMENT NO.2904/99 OF KUTTANALLOOR S.R.O

EXHIBIT.P2: TRUE PHOTOCOPY OF THE JUDGMENT IN W.P. NO.2178/06

EXHIBIT.P3: PHOTOCOPY OF PAPER PUBLICATION DATED 28-10-06

EXHIBIT.P4: PHOTOCOPY OF CIRCULAR NO.27/2006 DATED 29-06-06.

/TRUE COPY/

J.M.JAMES, J.

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W.P.(C) No. 30400 of 2006 (R)

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Dated this the 2nd day of February, 2007

J U D G M E N T

The writ petitioner is one of the guarantors to the fourth respondent, the principal loanee. The fourth respondent was before this Court with W.P(C) No.2178/2006. As per the judgment dated 24/01/2006, this Court directed the fourth respondent to remit the amount in ten equal monthly instalments, the first instalment being paid on or before 10/02/06. It is now submitted by the counsel for the first respondent, the Co-operative Society, that the fourth respondent did not comply with the directions contained in the judgment dated 24/01/2006. Because of the failure of the fourth respondent, the first respondent proceeded against the guarantors, including the writ petitioner. It is at this stage that the writ petitioner is before this Court.

2. I heard the arguments advanced by the counsel for the writ petitioner, for the fourth respondent, for the first respondent and the Senior Government Pleader.

3. It is conceded that in supercession of Circular No.27/2006, Circular No.59/2006, dated 30/11/2006, is in force. Therefore, the one time settlement facilities are available to the defaulters.

4. In the above circumstances, I direct the writ petitioner to approach the first respondent with a representation for an one time settlement scheme, within ten days from today. On receipt of the above representation, the first respondent shall hear the writ petitioner and fix the amount due to it, according to the stipulations and conditions contained in Circular No.59/2006, and extend the benefits to the petitioner. The final order shall be passed by the first respondent, as above, within three weeks from the date of receipt of the representation for the one time settlement, from the writ petitioner.

5. There shall be no coercive action against the writ petitioner, till a final order is passed and, when the writ petitioner complies with the conditions imposed on her, as per Circular No.59/2006.

6. I make it clear that the first respondent will be at liberty to proceed against the principal loanee as well as the

guarantors, as per the provisions of the Kerala Co-operative Societies Act and Rules thereunder, in case of any failure on the part of the writ petitioner to comply with the final orders passed on her representation.

(J.M.JAMES)
Judge

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